

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS  
ANTITRUST LITIGATION**

**MDL No. 2002  
08-md-02002**

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**THIS DOCUMENT APPLIES TO:  
ALL INDIRECT PURCHASER  
PLAINTIFF ACTIONS**

**ORDER**

AND NOW, this 24th day of April, 2012, upon consideration of the seven motions to dismiss filed by Defendants Michael Foods, Inc.,<sup>1</sup> Rose Acre Farms, Inc., Ohio Fresh Eggs, LLC, Daybreak Foods, Inc., Hillandale-Gettysburg, L.P., Hillandale Farms, Inc., and Hillandale Farms East, Inc., United Egg Association, and Land O'Lakes, Inc. (Doc. Nos. 327, 328, 330, 324, 326, 329, 325), and the Indirect Purchaser Plaintiffs' response (Doc. No. 354), the Defendants' replies (Doc. Nos. 375, 377, 378, 379, 381, 382, 383), and the parties' supplemental filings thereto, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED as follows:

1. Motion to Dismiss Indirect Purchaser Second Amended Consolidated Complaint as to Defendants Michael Foods, Inc. and Papetti's Hygrade Egg Products, Inc. (Doc. No. 327) is DENIED.
2. Defendant Rose Acre Farm, Inc.'s Motion to Dismiss Indirect Purchasers' Second Consolidated Amended Class Action Complaint (Doc. No. 328) is DENIED.

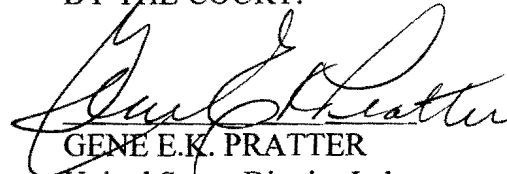
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<sup>1</sup> Jointly with non-party movant, Papetti's Hygrade Egg Products, Inc.

3. Defendant Ohio Fresh Eggs, LLC's Renewed Motion to Dismiss the Indirect Purchasers' Second Consolidated Amended Class Action Complaint (Doc. No. 330) is DENIED.
4. Defendant Daybreak Foods, Inc.'s Motion to Dismiss Indirect Purchasers' Second Amended Consolidated Class Action Complaint (Doc. No. 324) is GRANTED without prejudice as to Count I and DENIED as to the other claims. Plaintiffs may seek leave to file an amended complaint consistent with the terms of the Court's Memorandum.
5. Motion to Dismiss the Indirect Purchaser Plaintiffs' Second Consolidated Amended Class Action Complaint on Behalf of Defendants Hillandale-Gettysburg, L.P., Hillandale Farms, Inc., and Hillandale Farms East, Inc. (Doc. No. 326) is GRANTED without prejudice as to Count I and DENIED as to the other claims. Plaintiffs may seek leave to file an amended complaint consistent with the terms of the Court's Memorandum.
6. United Egg Association's Motion to Dismiss the Claims Against it in Indirect Purchasers' Second Consolidated Amended Class Action Complaint (Doc. No. 329) is GRANTED without prejudice as to Count I and DENIED as to the other claims. Plaintiffs may seek leave to file an amended complaint consistent with the terms of the Court's Memorandum.
7. Defendant Land O'Lakes, Inc.'s Motion to Dismiss Indirect Purchasers' Second Amended Consolidated Class Action Complaint (Doc. No. 325) is GRANTED without prejudice as to Count I and DENIED as to the other claims. Plaintiffs

may seek leave to file an amended complaint consistent with the terms of the Court's Memorandum.

BY THE COURT:



GENE E.K. PRATTER  
United States District Judge